

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MARCH 17, 2005  
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bob Workman  
Ray Stevens

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Vice Chair opened the meeting at 8:43 a.m.

**AGENDA ITEM**

**LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant**

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A). He noted that concerns had been expressed regarding LB 708 (Change provisions relating to the domestic use of ground water) and said the bill remains in committee and is not likely to advance, unless it is amended into another bill.

The Chair arrived at 8:45 a.m. and assumed direction of the meeting.

Hudkins said Nebraska has a greater width requirement for wells that are drilled for heating and cooling loops than surrounding states and asked Kissel to watch for an opportunity to get it corrected.

**1 APPROVAL OF THE STAFF MEETING MINUTES OF TUESDAY,  
MARCH 8, 2005**

**MOTION:** Workman moved and Stevens seconded approval of the Staff Meeting minutes of March 8, 2005. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

## 2 ADDITIONS TO THE AGENDA

- A. Lancaster Manor Survey
- B. Agenda Items for April 4, 2005 City-County Common Meeting
- C. Staff Meeting Schedule (April 7, 2005 and April 14, 2005)
- D. City Council's Public Hearing on the "Ride for Five" Discount Bus Pass Program

**MOTION:** Workman moved and Stevens seconded approval of the additions to the agenda. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

## 3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Item moved forward on the agenda.

## 4 A) 2005 HOMELAND SECURITY GRANT APPLICATION; AND B) STORM SPOTTERS TRAINING - Doug Ahlberg, Emergency Management Director

### A) 2005 Homeland Security Grant Application

Doug Ahlberg, Emergency Management Director, gave an overview of the 2005 Homeland Security Grant application. The amount sought is slightly over \$6 million and covers fifteen projects.

### B) Storm Spotters Training

Ahlberg presented a schedule of events for the Central Plains Severe Weather Symposium that will be held March 19, 2005 at Lincoln East High School, 1000 South 70<sup>th</sup> Street, Lincoln, Nebraska (Exhibit B).

Kerry Eagan, Chief Administrative Officer, presented a draft resolution in the matter of recognizing March 19, 2005 as "Central Plains Severe Weather Symposium" Day (Exhibit C).

**MOTION:** Schorr moved and Stevens seconded approval of the resolution. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

The Board will ratify the resolution at the Tuesday, March 22, 2005 Board of Commissioners Meeting.

**5 DIRECTOR POSITION DESCRIPTIONS** - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager

John Cripe, Classification and Pay Manager, presented an employee position description template for directors (Exhibit D) and said the next step will be to personalize them for specific positions.

The Board asked Eagan to work with the Personnel Department in that regard.

Cripe said job descriptions have also been updated.

Eagan said Dave Kroeker, Budget and Fiscal Officer, is moving towards retirement and will reduce his hours at the end of December. Kroeker will continue to work on a part-time basis, as needed, to assist his replacement through the next budget cycle.

Cripe suggested that Kroeker's pay be converted to an hourly rate.

The job description and qualifications were revised with input from Kroeker and the auditor.

Board consensus was to review the job descriptions at a Tuesday morning Staff Meeting (date to be determined) and assign Commissioners to start the evaluation process, based on hire dates.

**6 PROPOSED TEXT AMENDMENT TO COUNTY ZONING REGULATIONS (AMUSEMENT LICENSES)** - Kristy Mundt, Deputy County Attorney; Mike Merwick, Building & Safety Director; Dale Stertz, Building & Safety; Mike DeKalb, Planning Department

General discussion regarding a proposed text amendment to the Lancaster County Zoning Resolution (Regulations) to amend Article 4, Section 4.006, Permitted Conditional Uses to include the following language:

*k) Any use that has been approved by the Lancaster County Board of Commissioners upon an affirmative vote of an application for an amusement license. Said conditional use is permitted on a premise no more than one day per calendar year.*

Board consensus was to: 1) Change the word *day* to *event*; and 2) Leave duration to the discretion of the Board, based on the specific event.

**MOTION:** Stevens moved and Workman seconded to direct Kerry Eagan, Chief Administrative Officer, to write a letter to Marvin Krout, Planning Director, requesting a text change to the County Zoning Resolution (Regulations) to apply to amusement licenses. Workman, Stevens, Schorr and Heier voted aye. Motion carried.

- 7     **A) COUNTY CHANGE OF ZONE NO. 05007, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR); PRELIMINARY PLAT NO. 05001 AND COUNTY SPECIAL PERMIT NO. 05004, MEADOW VIEW 2<sup>ND</sup> ADDITION, SOUTHWEST 84<sup>TH</sup> STREET AND WEST PIONEERS BOULEVARD; B) COUNTY CHANGE OF ZONE NO. 05009, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR) ON SOUTHWEST 95<sup>TH</sup> STREET AND WAGON TRAIN ROAD; AND C) COUNTY MISCELLANEOUS NO. 05003, SUBDIVISION REGULATION TEXT AMENDMENT (ROAD IMPROVEMENT STANDARDS) - Mike DeKalb, Planning Department**

**A) County Change of Zone No. 05007, Preliminary Plat No. 05001 and County Special Permit No. 05004**

Mike DeKalb, Planning Department, gave an overview of County Change of Zone No. 05007, Agricultural (AG) to Agricultural Residential (AGR), Preliminary Plat No. 05001 and County Special Permit No. 05004, a request from Mark Palmer of Olsson Associates on behalf of Lyle Mayer, to develop 57 residential acreage lots, with associated waiver requests, on property located at the northeast corner of Southwest 84<sup>th</sup> Street and West Pioneers Boulevard (split jurisdiction with the City) (Exhibit E). The Community Unit Plan proposes to “cluster” the 57 acreage lots. Hub Hall is the contract purchaser and developer of the property. He said the Planning Staff’s recommendation of denial are based on a conclusion that the change of zone is not in conformance with the Comprehensive Plan. The Planning Commission concurred and voted 5-4 to recommend denial.

Hub Hall appeared and explained that the intent is to develop Meadow View 2<sup>nd</sup> Addition in order to add 57 lots and to provide sufficient lagoon capacity for Meadow View 1<sup>st</sup> Addition, as well as the new lots.

DeKalb pointed out acreage development in the area and said the issue will be whether the Board intends to look favorably at acreage applications north and south of Van Dorn, along the paved spur.

The Board was also provided with copies of a plat map showing acreage size and the Lincoln/Lancaster County Land Use Plan Map (Exhibits F and G).

## **B) County Change of Zone No. 05009**

DeKalb gave an overview of County Change of Zone No. 05009, Agricultural (AG) to Agricultural Residential (AGR), requested by Darcie Thavenet-Kvasnicka, on property northeast of the corner of South 96<sup>th</sup> Street and Wagon Trail Road (Exhibit H). Staff recommends approval as the parcel is shown as low density residential in the 2025 Comprehensive Plan. He said there was testimony in opposition before the Planning Commission and the Planning Commission recommends denial, on a 6-3 vote. The issues raised were the property's proximity to the Wagon Train Lake State Recreation Area, the impact to hunting on Nebraska Game and Parks land, groundwater quantity and quality, and traffic.

DeKalb said Lancaster County Zoning Resolution, Article 5, Section 5.007. has provisions that apply to dwellings located within 1,320' of the property line of a publicly owned lake property of more than 30 acres in size (Resolution No. 5428, January 22, 1997) and said the Board will review and approve the lot layout using a "package" of additional criteria.

## **C) County Miscellaneous No. 05003**

DeKalb gave an overview of County Miscellaneous No. 05003, requested by the County Engineer, to amend Chapter 5, Section 5.01, of the Lancaster County Subdivision Regulations regarding street and road improvements, noting a recommendation of approval from Staff and Planning Commission (Exhibit I).

### **ADMINISTRATIVE OFFICER REPORT**

#### **H. State Fair Contribution**

Mark Bowen, Mayor's Chief of Staff, appeared and said the most recent projections for the first quarter distribution of lottery proceeds to the Nebraska State Fair Board under LR 209CA would require a local contribution of \$53,476. He noted that the City and County had discussed splitting that cost (\$26,738) and said those funds should be made available by the end of March.

Workman expressed concern regarding setting a precedent for being obligated for one half of the local match, rather than contributing a specific amount.

Stevens said the rationale for agreeing to the contribution was to make sure that the State Fair Board did not lose out on the quarterly payment of lottery proceeds and said it was never the intention to indicate an ongoing commitment.

**MOTION:** Stevens moved and Schorr seconded to direct the County Attorney's Office to prepare a resolution funding up to one half of the local match contribution, up to a maximum of \$27,000, on a one-time basis from the Keno funds to assist the City with the funding of the local match for the State Fair. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

**8 ASSERTIVE COMMUNITY TREATMENT (ACT) CONTRACT** - Kristy Mundt, Deputy County Attorney, Dean Settle, Community Mental Health Center Director

Kristy Mundt, Deputy County Attorney, said Region V has rejected a request to incorporate the following in the Network Provider Contract for Behavioral Health Services (Exhibit J): 1) Serve only Lancaster County residents; 2) Ability to terminate the contract if the State reduces funding; 3) A 30-day termination provision; 4) All costs to be reimbursed by the State. She said her office has additional concerns that have not been addressed with Region V and will not sign-off on the contract.

Dean Settle, Community Mental Health Center Director, said the Region V is merely a pass-through agency.

Mundt said separate contracts with CenterPointe and Lutheran Family Services are also needed to define issues such as liability, insurance, duties and responsibilities.

Settle said the Nebraska Department of Health and Human Services (HHS) has given assurances that Region V will have access to 40 beds in the Regional Center for acute care use.

Schorr asked that it be added to the contract.

Gwen Thorpe, Deputy Chief Administrative Officer, asked when the first clients are anticipated.

Settle said next month.

The Board asked Settle to facilitate a meeting with C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, or the appropriate parties to discuss the contract. He was also asked to forward insurance policies for CenterPointe and Lutheran Family Services to Sue Eckley, Workers' Compensation & Risk Management Manager.

Workman exited the meeting at 11:35 a.m.

**9 CONTRACT WITH SHERYL SCHREPF REGARDING FAMILIES FIRST & FOREMOST (F<sup>3</sup>) GRANT** - Kristy Mundt, Deputy County Attorney, Sheryl Schrepf

Sheryl Schrepf presented a revised Lancaster County Office of Juvenile Mental Health/F<sup>3</sup>/Integrated Care Coordination Unit (ICCU) Proposal for Consultant Contract, March 15, 2005 through June 30, 2005, Sheryl Schrepf, MSW (Exhibit K):

- Coordinate the transition of F<sup>3</sup> to Region V Systems
- Prepare ICCU cost savings proposal for submission to Nebraska Department of Health and Human Services (HHS)
- Research other funding/grant opportunities (including Substance Abuse and Mental Health Services Administration (SAMHSA) and other federal agencies) for Lancaster County in behavioral health as it relates to juvenile justice, substance abuse treatment, out-of-home placements, aging, dual diagnosis, etc.
- Prepare a proposal and manage the process to apply for a Medicaid carve-out for ICCU youth who reside in Lancaster County
- Meet with Commissioner Schorr twice monthly to report progress

Kristy Mundt, Deputy County Attorney, indicated the need for minor changes.

Stevens suggested extending the contract time to allow sufficient time to complete the tasks, at the same contract amount.

Brief discussion also took place regarding the appropriate funding source (ICCU contract or the F<sup>3</sup> grant).

**10 COMMUNITY CORRECTIONS OFFICE FURNITURE** - Kim Etherton,  
Community Corrections Director

Kim Etherton, Community Corrections Director, requested authorization to purchase office furniture and said she has sufficient funds in her budget for the purchase. She also relayed problems encountered with the office furniture vendor (All Makes Office Equipment) and additional space needs.

The Board asked Etherton to coordinate the furniture purchase with Don Killeen, County Property Manager.

Hudkins will relay the vendor problems to the Public Building Commission.

**11 ACTION ITEMS**

- A. Microcomputer Request C#2005-066, \$2,008.16 from Microcomputer Fund for One (1) Pentium IV, 17" Monitor, Software, Etc. for District Court Clerk

**MOTION:** Schorr moved and Stevens seconded approval. Schorr, Stevens and Hudkins voted aye. Workman was absent from voting. Motion carried.

- B. Microcomputer Request C#2005-075, \$13,116.69 from Corrections Budget for Twelve (12) Pentium IV's, Five (5) 15" Flat Panel Monitors, Etc.

Eagan presented correspondence from Mike Thurber, Corrections Director, explaining the request for flat panel monitors (Exhibit L).

**MOTION:** Stevens moved and Schorr seconded approval of the request, stipulating regular monitors up to 17" in size, rather than flat panel monitors. Schorr, Stevens and Hudkins voted aye. Workman was absent from voting. Motion carried.

## 12 ADMINISTRATIVE OFFICER REPORT

- A. Board of Equalization Referee Coordinator Contract with Great Plains Appraisal Company

Eagan said the County Clerk's Office would like to negotiate with Great Plains Appraisal Company to serve again as referee coordinator for property valuation protests.

The Board had no objection.

- B. Request for Reconsideration of Claim from Cedars Youth Services (\$588)

Eagan said Cedars Youth Services has asked the Board to reconsider its denial of a claim for services provided during June, 2004. The claim was denied because it was beyond the 90 day time period (see State Statute 23-135). He said Cedars maintains that it submitted the claim in a timely manner and the agency lost the claim. Cedars resubmitted the claim in December, 2004 and the re-submitted claim was denied. Eagan said Nebraska Revised Statute §23-138 provides authority to reconsider action on a claim once.

Schorr said Families First & Foremost (F<sup>3</sup>) has been asked to vacate offices at Cedars Northbridge Community Center, 27<sup>th</sup> & Holdrege Street, and said the County invested significant funds to equip those offices.

The Board asked staff to check on the furniture and equipment. The Board also requested further evidence of when the claim was initially submitted.

- C. Funding for High Resolution Aerial Photographs

Eagan said Doug Ahlberg, Emergency Management Director, has offered \$10,000 to help fund the project.

D. Public Building Commission (PBC) Bond Refinance

The Board scheduled action on the Tuesday, March 22, 2005 Board of Commissioners Meeting agenda.

E. Nebraska Association of County Officials' (NACO's) Legislative Day (April 7, 2005)

Board consensus was to attend the luncheon.

F. Vacation Benefits for Unclassified Employees (Years of Service)

Eagan said Kim Etherton was not properly credited for her years of county service prior to being named Community Corrections Director. The Board asked Eagan to take appropriate action, if necessary.

G. Correspondence from Kit Boesch, Human Services Administrator, Regarding Part-Time Teaching Position (See Agenda Packet)

There was no objection to the request.

H. State Fair Contribution

Item moved forward on the agenda.

**ADDITIONS TO THE AGENDA**

A. Lancaster Manor Survey

Eagan said the Nebraska Department of Health and Human Services (HHS) survey of the facility started on March 16<sup>th</sup> and is scheduled to be completed on March 23<sup>rd</sup>.

B. Agenda Items for April 4, 2005 City-County Common Meeting

There were no further items.

C. Staff Meeting Schedule (April 7, 2005 and April 14, 2005)

Board consensus was to maintain those meeting dates.

D. City Council's Public Hearing on the "Ride for Five" Discount Bus Pass Program

Stevens said Mayor Seng has ordered that the City's "Ride for Five" bus pass prices be doubled and that the number of passes be capped at 1,000. The Mayor has also ordered that administration of the program be moved from Kit Boesch, Human Services Administrator, to StarTran Manager Larry Worth. The City Council will hold a public hearing on March 21, 2005 on a resolution to fund the program through the end of the fiscal year.

Eagan said Renee' Dozier, Families First & Foremost (F<sup>3</sup>) Director, would like to testify on the impact to F<sup>3</sup>'s clients at the public hearing.

The Board did not object.

**13 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Air Pollution Control Advisory Board - Hudkins

No report.

B. Board of Health Meeting - Hudkins

Hudkins said discussion focused on the geo-thermal wells for the Lincoln-Lancaster County Health Department Building.

C. Information Services Policy Committee (ISPC) - Stevens

Stevens said discussion focused on Health Insurance Portability & Accountability Act (HIPAA) compliance, the Personnel Department's job applicant tracking system and whether to provide wireless connections in the City Council/County Commissioners Hearing Room.

D. Joint Budget Committee (JBC) - Workman, Stevens

Stevens reported discussion of the "Ride for 5" Program (a pilot program in which low-income Lincoln residents can buy discounted StarTran bus tickets).

E. Region V Governing Board - Schorr

Schorr said the Integrated Care Coordination Unit (ICCU) and General Assistance (GA) were discussed.

F. Lincoln Independent Business Association (LIBA) Budget Monitoring  
Committee - Stevens

Stevens said there was a presentation on the Lincoln Public Schools (LPS) budget.

**14 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting a 12:51 p.m.  
Stevens, Schorr and Hudkins voted aye. Workman was absent from voting.  
Motion carried.

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Bruce Medcalf  
Lancaster County Clerk